

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.:

JOSEPHUS A. PARKER,

Plaintiff

v.

STAR NORWOOD, INC. and THE
HOTEL NORTHAMPTON, REBECCA
GERMINO, and ROBERT BOSSONE

Defendants

COMPLAINT AND JURY DEMAND

Parties

1. The Plaintiff, Josephus A. Parker (hereinafter referred to as the “Plaintiff” or “Plaintiff Parker”), is a natural person with a residential address of 52 Pendleton Avenue, Springfield, Hampden County, Massachusetts.
2. The Defendant, Star Norwood, Inc. and The Hotel Northampton (hereinafter referred to as the “Defendant Hotel” or collectively as “Defendants”), is a corporation that operates a restaurant and hotel located at 36 King Street, Northampton, Hampshire County, Massachusetts.
3. The Defendant, Rebecca Germino (hereinafter referred to as “Defendant Germino” or collectively as “Defendants”), is a natural person with a last known business address of 36 King Street, Northampton, Hampshire County, Massachusetts.

4. The Defendant, Robert Bossone (hereinafter referred to as “Defendant Bossone” or collectively as “Defendants”), is a natural person with a last known business address of 36 King Street, Northampton, Hampshire County, Massachusetts.

Jurisdiction

5. This Court has jurisdiction over the claims set forth herein, pursuant to 28 U.S.C. §§ 1331 and 1332 and otherwise. There are federal questions of law and the amount in controversy is in excess of \$75,000.00

Facts

6. The Plaintiff Parker began his employment with the Defendant Hotel, in or about May, 2011, as a round cook.
7. The Plaintiff performed his job responsibilities well throughout the course of his employment.
8. On numerous occasions throughout the course of the Plaintiff’s employment, the Plaintiff was sexually harassed by his supervisor, the Defendant Germino.
9. The acts of harassment by the Defendant Germino included, but were not limited to, numerous acts of sexual touching, numerous sexual advances, and numerous sexually offensive comments.
10. On several occasions, the Defendant Germino would grab and touch the Plaintiff Parker’s buttocks and groin area.
11. There are other examples of the sexually hostile work environment as well.
12. The Defendant Bossone, Executive Chef of the Defendant Hotel, for some time was aware of the sexually offensive and hostile work environment created by the Defendant Germino, but nothing was done to remedy or stop it. In fact, the sexually offensive

conduct of the Defendant Germino only became increasingly worse.

13. The Plaintiff Parker approached the Defendant Bossone to complain about the sexual harassment of the Defendant Germino on numerous occasions, and the Defendant Bossone would always say that he was “too busy” or just ignore it.
14. Shortly thereafter, on or about September 27, 2011, the Plaintiff was retaliated against after resisting the sexual harassment and after making numerous complaints about the sexual harassment for false reasons. The Plaintiff has satisfied the prerequisites to filing suit.

Count I
(Title VII- Sexual Harassment)
(Plaintiff v. Defendant Hotel)

15. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
16. The Plaintiff was treated differently as to the terms and conditions of his employment based upon the sexual harassment of him by the Defendant Germino, an employee of the Defendant Hotel.
17. The Plaintiff was terminated from his employment, at least in part, based upon his reporting of and/or resisting of said sexual harassment and the sexual harassment itself.
18. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment. The Plaintiff suffered a hostile work environment.
19. The Plaintiff was severely and adversely affected by the Defendants’ conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct and sexual harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant, Star Norwood, Inc. and The Hotel Northampton and for all damages available pursuant to Title VII of the Civil Rights Act of 1964, as amended (herein "Title VII").

Count II
(Title VII –Retaliation)
(Plaintiff v. Defendant Hotel)

20. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
21. The Plaintiff was treated differently as to the terms and conditions of his employment based upon his reporting and resisting of sexual harassment and was continuously harassed despite his complaints to management.
22. The Plaintiff was retaliated against and terminated from his employment, at least in part, based upon his reporting and resisting of sexual harassment.
23. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment.
24. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct, retaliation and harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant, Star Norwood, Inc. and The Hotel Northampton and for all damages available pursuant to Title VII of the Civil Rights Act of 1964, as amended (herein "Title VII").

Count III
(M.G.L. c. 151B - Sexual Harassment)
(Plaintiff v. Defendant Hotel)

25. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.

26. The Plaintiff was treated differently as to the terms and conditions of his employment based upon the sexual harassment, and the condoning of the sexual harassment, of the Plaintiff by the Defendants.
27. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment.
28. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct and sexual harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant Star Norwood, Inc. and The Hotel Northampton and for all damages available pursuant to M.G.L. c. 151B.

Count IV
(M.G.L. c. 151B – Retaliation)
(Plaintiff v. Defendant Hotel)

29. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
30. The Plaintiff was treated differently as to the terms and conditions of his employment based upon his reporting of and resisting sexual harassment.
31. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment.
32. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of Defendants to take reasonable steps to ensure that this discriminatory conduct and sexual harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant Star Norwood, Inc. and The Hotel Northampton and for all damages available pursuant to M.G.L. c. 151B.

Count V
(Title VII - Sexual Harassment)
(Plaintiff v. Defendant Germino)

33. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
34. The Plaintiff was treated differently as to the terms and conditions of his employment based upon the sexual harassment of him by the Defendant Germino, an employee of the Defendant Hotel.
35. The Plaintiff was terminated from his employment, at least in part, based upon his reporting and resisting of sexual harassment.
36. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment. The Plaintiff suffered a hostile work environment.
37. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct and sexual harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant, Rebecca Germino, and for all damages available pursuant to Title VII.

Count VI
(Title VII – Retaliation)
(Plaintiff v. Defendant Germino)

38. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.

39. The Plaintiff was treated differently as to the terms and conditions of his employment based upon his reporting and resisting of sexual harassment and was continuously harassed despite his complaints to management.
40. The Plaintiff was retaliated against and terminated from his employment, at least in part, based upon his reporting of and resisting sexual harassment.
41. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment.
42. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct, retaliation and harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant, Rebecca Germino, and for all damages available pursuant to Title VII.

Count VII
(M.G.L. c. 151B – Sexual Harassment)
(Plaintiff v. Defendant Germino)

43. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
44. The Plaintiff was treated differently as to the terms and conditions of his employment based upon the sexual harassment of the Plaintiff by the Defendant Germino.
45. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment.
46. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct and sexual harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant, Rebecca Germino, and for all damages available pursuant to M.G.L. c. 151B.

Count VIII
(M.G.L. c. 151B – Retaliation)
(Plaintiff v. Defendant Germino)

47. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
48. The Plaintiff was treated differently as to the terms and conditions of his employment based upon his reporting of and resisting sexual harassment.
49. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment.
50. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct and sexual harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant, Rebecca Germino, and for all damages available pursuant to M.G.L. c. 151B.

Count IX
(Title VII – Retaliation)
(Plaintiff v. Defendant Bossone)

51. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.
52. The Plaintiff was treated differently as to the terms and conditions of his employment based upon his reporting of resisting sexual harassment and was continuously harassed despite his complaints to management.
53. The Plaintiff believes that he was retaliated against and terminated from his employment, at least in part, based upon his reporting of and/or resisting said harassment.

54. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment.

55. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct retaliation and harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant, Robert Bossone, and for all damages available pursuant to Title VII.

Count X
(M.G.L. c. 151B – Retaliation)
(Plaintiff v. Defendant Bossone)

55. The Plaintiff incorporates herein the previous allegations set forth in this Complaint.

56. The Plaintiff was treated differently as to the terms and conditions of his employment based upon his resisting sexual harassment and discrimination.

57. This environment and the conditions imposed upon the Plaintiff related to and adversely affected the terms and conditions of his employment.

58. The Plaintiff was severely and adversely affected by the Defendants' conduct and the failure of the Defendants to take reasonable steps to ensure that this discriminatory conduct and sexual harassment would not continue.

WHEREFORE, the Plaintiff, Josephus A. Parker, respectfully requests judgment against the Defendant, Robert Bossone, and for all damages available pursuant to M.G.L. c. 151B.

**THE PLAINTIFF DEMANDS A JURY TRIAL AGAINST THE DEFENDANTS
ON ALL COUNTS SO TRIABLE PURSUANT TO RULE 38 OF THE FEDERAL RULES
OF CIVIL PROCEDURE AND THE RULES OF CIVIL PROCEDURE OTHERWISE.**

Respectfully submitted,

The Plaintiff
JOSEPHUS A. PARKER
By His Attorney

A handwritten signature in black ink, appearing to read 'Michael O. Shea', with a horizontal line drawn underneath it.

/s/ Michael O. Shea

MICHAEL O. SHEA, ESQ.

BBO No.: 555474

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Dated: February 24, 2012